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or a substantial elevated railroad through the middle of blocks, will be sure of an ample return in a few years at the furthest. Their advent is impatiently awaited.

ARCHIE EMERSON PALMER.

III.

CONSTITUTIONAL PATCHWORK.

RECENT attempts in several States so to amend the constitution as to incorporate a provision prohibiting the manufacture and sale of spirituous or intoxicating beverages render it a timely subject of inquiry whether such provisions are germane to the true purpose, object, and meaning of a fundamental framework of government.

They ought not to be so regarded. The sole and legitimate aim of a constitution is to declare those universal and well-recognized fundamental principles of equality, justice, freedom, and right which have been demonstrated in the experience of mankind and received the common consent. Any asserted rule or principle which has not obtained such support is of too doubtful a character to be classed among fundamental doctrines, and ought not to have the advantage of constitutional sanction. Once lowered to admit principles which belong to statutory provisions, and which are the outgrowth of temporary excitement or passing whim in the changeful popular opinion, government would soon lose all its permanency of character and efficiency in administration. Besides, until any avowed doctrine of government has so commended itself to the conservative reflection of a community as to achieve practical support and lodgment, it has little hope of accomplishing the result desired. As long as any statutory treatment of an offence has a public sentiment to sustain it, it will not need the strength of constitutional provision; when it ceases to possess the public support, it will not help its enforcement to have it embodied in the constitution. Nothing is gained by a constitutional declaration in behalf of a doubtful proposition: it neither convinces the popular mind nor strengthens the popular conscience. If it has to be put in the organic law to save it from fluctuations in the drift of popular opinion, it is hardly worth salvation; if it is in no danger therefrom, to embody it in the statute enactment is sufficient for its entire purpose, and gives it all the dignity and sanctity it requires.

The truth of the matter is that the same opinion which is needed to create a legislative machinery for the enforcement of a constitutional provision is all that is demanded to enact and enforce such a legal principle without marring the organic law. In other words, a legislature fresh from the people, and subject to the popular sentiment, which would provide means to enforce a constitutional amendment prohibiting any offence, would enact as strong statutory provisions to accomplish the same purpose; and a legislature which, reflecting a reverse popular sentiment, would decline or refuse to pass restrictive laws in relation to any subject, would be quite as indifferent to constitutional provisions looking in that direction. You may say that with a constitutional prohibition they are rendered powerless to sanction it by any permissive legislation. True; but the only result would be an illegal occupation permitted to continue by tacit consent. You may urge, further, that such a prohibition would place the legislature under constitutional obligation to enact the "proper restrictive legislation." True; but very little is accomplished in attempting to legislate against a recognized public opinion, at least in relation to social customs and habits.

But the gravest objection to such constitutional patchwork is its tendency to lower and belittle the dignity and character of our organic law. The repose of society is of no small value, and permanence in fundamental principles is essential to the stability of our institutions and the peace and good order of society.

The more the individual can be left to govern himself, the safer and better for the community. Educate the public mind, instruct the public conscience, direct the public thought and moral sense aright, and little law is needed to preserve the public welfare. Enact what statutes you please, make them rigid as you please, annex what penalties you please in advance of the popular sentiment, and it will only eventuate in reducing the respect for all law, in lax execution or non-enforcement, and finally

in official corruption and general demoralization. Such has been the universal experience. A healthy public sentiment must precede any extreme change of law, to have it effective or permanent. Without it no law is of much value.

One of the evil fruits of free institutions, admitting all to participation in the work of government, is the opportunity it affords for airing all sorts of crude theories and attempting ill-considered experiments. Hence the agitator, especially if he is possessed of means which he is willing to devote to political purposes, exercises a power pernicious and often dangerous. With a single idea and ample fortune, stimulated generally by fondness for notoriety, he compels a partial or complete subservieny to his whim by threats of political punishment. Political parties too often, anxious for his favor or timid at his threat, accept his proffered assistance, and henceforth submit to his unreasonable exactions rather than court defeat because of his senseless displeasure. He is never satisfied with results. Gaining only a half-loaf will enrage him more than loss of the whole. Belonging to no party, save to desert or betray in the hour of supreme need, he is justly hated by all. Sooner or later cause or candidate grieves his political chastity and forces him to new alliances. Following his own logic, with a conceit that admits of no doubt; impatient of every suggestion he does not originate and every movement he does not pioneer; indifferent alike to praise or blame so long as he is the subject of public comment; revengeful toward opponents and distrustful of friends, he has thus far, happily, not multiplied largely in our political activities. If he were not so much voice, but were more hands, he would do greater harm. Of late he has turned his energy toward reform by constitutional amendment, and in quite a number of States has, with varying success, attempted to promote constitutional prohibition of the manufacture and sale of intoxicating beverages. Later it will be something else—Utopian and attractive, no doubt.

In view of these threatened assaults upon our organic law, it becomes us to consider well the question involved. That the highest result aimed at cannot be thus obtained has been successfully demonstrated. But were it otherwise, were it possible to secure it in no other way at present than by a violation (as it seems to me) of fundamental principle, I would prefer to wait for riper and truer methods to come, perhaps, in the fulness of time or the maturer wisdom of a later age. Some sacrifices are too great for the results they purchase; and to gain, by cheapening a constitutional framework of government, what can more easily be accomplished by statute provisions would be a significant and striking instance.

Nor is it a question of the home against the saloon, as some would make us believe. We do not need to confound means to a result with the result itself. Those who claim that constitutional prohibition is the only method of successfully shielding the community from the curse of dram-drinking beg the real question at issue, and so reason in the hope of playing on the moral sense or timidity of good people who abhor the liquor traffic and its terrible results. I am attempting no justification of either, although I do not accept all these declaimers urge even in that behalf. I am only addressing attention to the simple evil of constitutional methods in dealing with a subject which requires only statute law for its suppression. My claim is that all that can be accomplished by any method looking to the restriction or abrogation of the liquor traffic or any similar evil, closely interwoven, as it has become, with the social life and daily habits of our cosmopolitan society, can be as well, fully, and efficiently reached by statute law as by any other means; and that it is entirely foreign to our framework of government—to that collection of axiomatic political doctrines termed the organic law, to its aim, purpose, and meaning—to engraft upon it mere police regulations and subjects of statute restriction. Nor is it an answer to assert that prohibition of any practice pernicious to the welfare of the community prohibits, while license fails to accomplish so beneficial or salutary a result. Prohibition can come quite as powerfully armed from the statute as from the constitution; each requires the same machinery for its enforcement—the same powers to be exercised, and the same official, diligent fidelity to exercise them. Strong provisions and honest officers are needed in both cases. Without a healthy public opinion in their support, demanding the rigid law and its strict enforcement, the play when

played to the end will only prove a mournful farce. If it come in the form of a statute, its repeal will be alone in answer to public sentiment, and will be easily and speedily accomplished, leaving little or no friction to irritate the public mind. If it be dignified into a constitutional provision, it can only be eradicated, even in response to the most earnest popular protest, by a lengthy and cumbersome process, leaving in its trail a violated constitution and a corresponding enfeebling of that just regard in which such solemn instruments have been held. The effect in the one case would be temporary and slight; in the the other permanent and harmful.

CHARLES J. NOYES,

Ex-Speaker of the Massachusetts House of Representatives.

IV.

THE ADVANTAGES OF DEBT.

AMONG the threadbare themes of moralists, one of the most hackneyed is the misery of being in debt. Ever since the days of Addison and the *Spectator* this has been a favorite and prolific topic of periodical essayists and writers on "Self-Help"; and if it be true of human afflictions that "they can paint them best who feel them most," we cannot doubt the ability of these writers to present the matter in the most vivid colors. "I am astonished," says Sir Richard Steele, whose whole life was a race with bailiffs and catchpolls, and who excused himself for voting in flagrant contradiction to his professed principles by saying to one who reproached him, "Mr. Whiston, you can walk on foot, but I cannot,"—"I am astonished that men can be so insensible to the danger of running into debt. One would think it impossible that a man who is given to contracting debts should not know that his creditor has, from that moment in which he transgresses payment, so much as that demand comes to, in his debtor's honor, liberty, and fortune." "Out of debt," echoes Douglas Jerrold, with the passionate eloquence of one tasting for the first time the luxury he describes, "and though you have a patch on your knee, a hole in your hat, and a crack in your shoe-leather, you are still the son of liberty, free as the singing lark above you. Out of debt, and what a nourishing sweetness may be found in cold water; what toothsome-ness in a dry crust; what ambrosial nourishment in a hard egg! . . . The debtor, what is he but a serf, out upon a holiday—a slave, to be reclaimed at any instant by his owner, the creditor?"

This, it must be confessed, is well put, and by writers who are entitled to say, *Experto crede*. But there is another side to the subject, and it is easy to show that, if debt has its miseries, it has, by the never-failing law of compensation, its blessings too, which equal, if they do not more than counterbalance, them. If the condition of indebtedness is one of slavery, the long and splendid roll of men who have bowed to its yoke shows that it has a strange fascination. Lord Bacon wrote on "The Wisdom of Business," yet ran desperately in debt. William Pitt had an income of thirty to fifty thousand dollars a year, and died two hundred thousand dollars in debt. Sheridan spent the fortunes of two wives, and was always dodging creditors and bailiffs. Daniel Webster had a large professional income, yet lived and died amid a swarm of debts. Was not Fielding swamped all his life by debt, and yet did not Lady Montague say of him "that he had known more happy moments than any person on earth?"

But, not to rely on great names, who does not love to be "an object of interest" to his fellow-men? and what surer or easier way of becoming such than by contracting "little bills" and large in all quarters? Who is the object of more watchful attention, of tenderer and more anxious solicitude, on the part of his fellow-citizens, than he whose promises to pay are held year after year? Whose movements are watched more closely, whose health is inquired after with more trembling solicitude, whose death is mourned over with more poignant sorrow than his who owes many thousands more than his estate can pay? There is no man who does not love to hold *some* place in the memories of his fellow-men who does not cling to the pleasing hope that he will not become entirely "to dumb forgetfulness a prey" when he shall have shuffled off his mortal coil; and how can one more effectually guard against so